IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 2903 of 2005

Between:

Potharaju Hanmaiah, S/o Ramaiah, aged about 59 years,

Residing at 14-103, Gandhinagar,

Prasanthinagar Grampanchayat, Siddipet, Medak District.

..... PETITIONER

AND

1. The Revenue Divisional Officer, Siddipet.
2. The Mandal Revenue Officer, Siddipet.
3. The Revenue Inspector – I, Siddipet.
4. The Principal, Government Degree College,

Prashanthinagar, Siddipet, Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate order, direction or a writ particularly, one in the nature of a Writ of Mandamus declaring that the action of the Mandal Revenue Officer, Siddipet in taking steps for demolition of premises bearing No.12-4-107/1/A in Survey No.1855, extent of 60 square yards at Prashanthi Nagar, Siddipet in pursuance of the proceedings No.D/8308/2001 dated 12-07-2004 while the appeal against the said order is pending before the first respondent is arbitrary, illegal and without

jurisdiction.

Counsel for the Petitioner: MR.T.LAKSHMI NARAYANA

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

O R D E R:

The second respondent by order dated 12-07-2004 rejected the request of the petitioner for assignment of the land in question claimed to be in his occupation holding that he encroached into the land and directed the third respondent, the Revenue Inspector to carry out the eviction under a Panchanama. Aggrieved by the said order, the petitioner preferred an appeal before the first respondent, the Revenue Divisional Officer along with an application seeking stay of the order dated 12-07-2004 passed by the second respondent, the Mandal Revenue Officer. The petitioner states that the appeal as well as the application for stay have been kept pending before the Revenue Divisional Officer and in the meanwhile, the second respondent is taking steps to implement the order dated 12-07-2005. Hence, this writ petition.

Having heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents and taking in view the fact that the statutory appeal is pending before the first respondent, I am of the view that it would be appropriate to protect the interest of the petitioner till the appeal pending before the Revenue Divisional Officer is disposed of.

Accordingly, without expressing any opinion on merits, the writ petition is disposed of with a direction to the first respondent to dispose of the appeal pending on his file against the order of the 2nd respondent dated 12-07-2004 as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a

copy of this order. Till such time, the respondents are directed not to demolish the premises bearing No.12-4-107/1/A in Sy.No.1855 at Prashanthi Nagar, Siddipet and not to interfere with the possession of the petitioner in respect of the said premises. No costs.

_____

(**G. ROHINI, J**)

Date: 17-02-2005

ghn

To

1. The Revenue Divisional Officer, Siddipet.
2. The Mandal Revenue Officer, Siddipet.
3. The Revenue Inspector – I, Siddipet.
4. The Principal, Government Degree College,

   Prashanthinagar, Siddipet, Medak District.
5. Two CCs to the Government Pleader for Revenue, High Court of A.P., Hyderabad. (O.U.T.)
6. Two CD copies.

THE HON'BLE MS. JUSTICE G. ROHINI

WRIT PETITION NO.2903 OF 2005

OPERATIVE PORTION (BY WIRE):

Accordingly, without expressing any opinion on merits, the writ petition is disposed of with a direction to the first respondent to dispose of the appeal pending on his file against the order of the 2nd respondent dated 12-07-2004 as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to demolish the premises bearing No.12-4-107/1/A in Sy.No.1855 at Prashanthi Nagar, Siddipet and not to interfere with the possession of

the petitioner in respect of the said premises. No costs.

_

_____

(G.ROHINI, J)

Date: 17-02-2005

Note:

1. Issue wire at party's costs.
2. Please send the bundle to the Court Masters Section after dispatch of the wire order.

B/o

Ghn